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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter James Sutherland) Re: Information Disclosure
GOLDSACK, et al.) Statement
Serial No.: 09/875,415) Group: not yet assigned
Filed: June 5, 2001) Examiner: not yet assigned
For: "BLOCK ERROR RATE) Our Ref: B-4199 618841-6
MEASUREMENTS") Date: December 4, 2001

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Group 2100

Sir:

In accordance with the Applicants' duty to disclose information which may be material to the examination of this application, the undersigned respectfully requests that the Examiner consider on the merits the documents listed on the enclosed Form PTO-1449 (modified) before issuing the first Office Action on the merits. We are enclosing herewith a copy of the documents listed on the enclosed Form PTO-1449 (modified).

The documents listed on Form-1449 (modified) are those cited in the Search Report of European Application No. EP 00311334.7 (1 page). A copy of the European Search Report is enclosed herewith.

The filing of this Information Disclosure Statement (IDS) shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The Applicants believe that this IDS is being submitted before the issuance of a first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance. Therefore, no official fees should be due; and this IDS should be considered on the merits. If this IDS is being submitted after the issuance

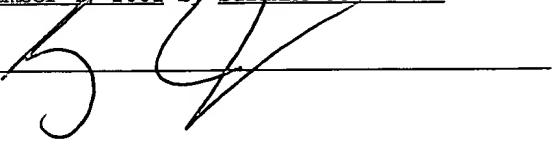
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of the first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance, then the Commissioner is authorized to charge Deposit Account No. 12-0415 \$180.00 (or any other required amount), which is the fee set forth in 37 C.F.R. § 1.97(c); and this IDS should be fully considered on the merits, in accordance with 37 C.F.R. § 1.97(d). If this IDS is being submitted after the issuance of a Final Rejection or Notice of Allowance, then the Commissioner is not authorized to charge \$180.00 to Deposit Account No. 12-0415.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

The person making this statement is the practitioner who signs below on the basis of information supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)) and on the basis of information in the practitioner's file.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the "Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231", on December 4, 2001 by Suzanne Johnston.



Respectfully submitted,



Richard P. Berg
Attorney for Applicant
Reg. No. 28,145

LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, CA 90036
(323) 934-2300

Enclosures: Form PTO-1449 (modified) (1 page)
Copy of Search Report of EP 00311334.7 (1 page)
Copy of documents listed on Form PTO-1449 (modified)